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EXAMINER
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ART UNIT	PAPER NUMBER
3626	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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	Application No.	Applicant(s)
Office Action Summary	10/697,410	HIGGINS, G. MICHAEL
	Examiner	Art Unit	
	KRISTINE RAPILLO	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>24 June 2011</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-49* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-49* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>30 June 2008</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Notice to Applicant

1.   This communication is in response to the amendment submitted June 24, 2011. Claims 1, 17,

31, and 38 are amended. Claims 1 – 49 are pending.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1, 4 – 10, 12, 17 – 21, 24, 26 – 27, 31 – 32, 34 – 37, and 48 – 49 are rejected under 35

U.S.C. 103(a) as being unpatentable over Lockwood (U.S. Patent No. 4,567,359) in view of Kanazawa et

al., herein after Kanazawa (U.S. Publication Number 2003/0158758 A1) further in view of Ryan et al.,

herein after Ryan (U.S. Publication No. 2003/0187768 A1).

In regard to claim 1 (Currently Amended), Lockwood teaches an automated method of

evaluating an insurable risk and providing an immediate binding insurance offer to cover that risk,

comprising the steps of:

(a) collecting self-reported information relating to the insurable risk from an applicant (column 5,

lines 7 – 9 and column 9, lines 13 - 25) where Lockwood discloses an invention in which a customer

enters information using a touch pad;

(c) providing the self-reported information collected in a single session to an automated

underwriting system located in the single kiosk (column 5, lines 9 – 13 Lockwood discloses an automatic

system for dispensing insurance quotations and policies (column 1, lines 8 – 30); Lockwood discloses

dispensing information on a self service basis from a remote terminal); and,

(e) providing an insurance offer relating to a specific insurance product based on the rated insurable risk for review and acceptance by the applicant (column 7, lines 61 - 68). Lockwood does not explicitly teach collecting data in a single session however, this feature is disclosed by Kanazawa.

Lockwood fails to teach an automated method comprising: (b) collecting objective information relating to the insurable risk from applicant by measuring, in a single session <u>at a single kiosk</u>, physiological aspects of the applicant using a medical measuring device; (c) providing the objective information collected in a single session to an automated underwriting system <u>located in a single kiosk</u>, and (d) evaluating and rating the insurable risk <u>of the applicant by performing an individualized risk analysis calculation at the automated underwriting system located in the single kiosk</u> based on the objective information.

Kanazawa teaches an automated method comprising the steps of

(b) collecting objective information relating to the insurable risk (insurable risk disclosed by Lockwood above) from applicant by measuring, in a single session <u>at a single kiosk</u>, physiological aspects of the applicant using a medical measuring device (paragraphs 17, 132, 134, 135, and 136 – Kanazawa does not explicitly disclose a single kiosk, however this feature is disclosed by Lockwood (column 1, lines 8 – 30) and further supported by Ryan (paragraph 481) discussed below) and

c) providing the objective information collected in a single session to an automated underwriting system (paragraphs 17, 132, 134, 135, and 136) <u>located in a single kiosk</u>, and

(d) evaluating and rating the insurable based on the objective information (paragraphs 53 and 54). Although Kanazawa is directed to adjusting a current policy, the process of collecting and evaluating the information is the same regardless of whether it is for a new policy or an adjustment/renewal of an existing policy.

Kanazawa fails to teach (d) evaluating and rating the insurable risk <u>of the applicant by performing an individualized risk analysis calculation at the automated underwriting system located in the single kiosk</u>.

Ryan teaches (d) evaluating and rating the insurable risk <u>of the applicant by performing an individualized risk analysis calculation at the automated underwriting system located in the single kiosk</u>

(paragraphs 56, 481, 487, and 494 – 495) where Ryan discloses an asset analyzer which determines the risk of applicant and that the process may be conducted at a kiosk.

It would have been obvious to one of ordinary skill in the art to include in the automatic insurance quotation system of Lockwood and the ability to determine the risk at the time of the contract as taught by Kanazawa with the administration of a life insurance policy of Ryan since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

In regard to claim 4 (Previously Presented), Lockwood, Kanazawa, and Ryan teach the automated method of Claim 1.

Lockwood and Kanazawa fail to teach the automated method further comprising the step of obtaining electronic authorization from the applicant for the immediate release of further objective information from at least one of a health care provider, pharmacy or pharmacy benefit manager, a consumer reporting agency and the Medical Information Bureau, and for evaluation of such objective information by the automated underwriting system.

Ryan further teaches the automated method further comprising the step of obtaining electronic authorization from the applicant for the immediate release of further objective information from at least one of a health care provider, pharmacy or pharmacy benefit manager, a consumer reporting agency and the Medical Information Bureau, and for evaluation of such objective information by the automated underwriting system (Figure 23 and 72; paragraphs [0032], [0043], and [0663]).

The motivation to combine the teachings of Lockwood, Kanazawa, and Ryan is discussed in the rejection of claim 1, and incorporated herein.

In regard to claim 5 (Original), Lockwood, Kanazawa, and Ryan teach the automated method of Claim 1. Lockwood teaches an automated method wherein the step of collecting the self-reported

information includes providing information-gathering apparatus for use by an applicant in reporting the self-reported information (column 5, lines 56 – 65 and Figure 2).

In regard to claim 6 (Original), Lockwood, Kanazawa, and Ryan teach the automated method of Claim 5. Lockwood teaches an automated method wherein said information-gathering apparatus includes at least one of a keyboard, a display, a touch screen display, and a pointing device (column 4, lines 33 – 38).

In regard to claim 7 (Original), Lockwood, Kanazawa, and Ryan teach the automated method of Claim 5. Lockwood teaches an automated method wherein the step of providing information-gathering apparatus includes providing an automated application to elicit self-reported information from the applicant (column 6, lines 51 – 65).

In regard to claim 8 (Original), Lockwood, Kanazawa, and Ryan teach the automated method of Claim 7.

Lockwood and Kanazawa fail to teach a method wherein the automated application includes multiple screens and multiple levels for eliciting self-reported information from the applicant.

Ryan further teaches a method wherein the automated application includes multiple screens and multiple levels for eliciting self-reported information from the applicant (Figures 22 - 61) where screen shots of multiple screens and levels of questions are illustrated fro compiling applicant information.

The motivation to combine the teachings of Lockwood, Kanazawa, and Ryan is discussed in the rejection of claim 1, and incorporated herein.

In regard to claim 9 (Original), Lockwood, Kanazawa, and Ryan teach the automated method of Claim 8.

Lockwood and Kanazawa fail to teach a method wherein at least one of the screens presented to the applicant in at least one of the multiple levels is selected in response to information reported by the applicant in a preceding level.

Ryan teaches a method wherein at least one of the screens presented to the applicant in at least one of the multiple levels is selected in response to information reported by the applicant in a preceding level (Figure 28 which prompts for tobacco product usage and Figure 29 which prompts for more detailed information).

The motivation to combine the teachings of Lockwood, Kanazawa, and Ryan is discussed in the rejection of claim 1, and incorporated herein.

In regard to claim 10 (Original), Lockwood, Kanazawa, and Ryan teach the automated method of Claim 1. Lockwood teaches an automated method wherein the self-reported information includes at least one of applicant's age, address, citizenship, medical history, family medical history, nicotine usage, alcohol usage, drug usage, motor vehicle information, aviation information, and hazardous activities information (column 6, lines 53 – 56).

In regard to claim 12 (Original), Lockwood, Kanazawa, and Ryan teach the automated method of Claim 1.

Lockwood and Kanazawa fail to teach an automated method comprising the step of collecting information relating to a beneficiary of the insurance product.

Ryan further teaches an automated method comprising the step of collecting information relating to a beneficiary of the insurance product (Figures 57, 58, 59, 60, 248, 326, and 328).

The motivation to combine the teachings of Lockwood, Kanazawa, and Ryan is discussed in the rejection of claim 1, and incorporated herein.

In regard to claim 18 (Original), Lockwood, Kanazawa, and Ryan teach the system of Claim 17. Lockwood teaches an automated method wherein said means for collecting self- reported information

comprises an automated application and information-gathering apparatus, said apparatus comprising at

least one of a keyboard, a display, a touch screen display, and a pointing device for use in entering

information into the automated application (column 4, lines 33 – 38 and column 6, lines 51 – 65).

In regard to claim 27 (Previously Presented), Lockwood, Kanazawa, and Ryan teach the

system of Claim 24. Lockwood further teaches a method wherein further objective information includes

motor vehicle information (column 8, lines 15 – 19 and column 8, lines 27 – 28).

In regard to claim 31 (Currently Amended), Lockwood teaches a system for evaluating an

applicant for life insurance and for providing an immediate binding insurance offer for review and

acceptance by the applicant, comprising:

(a) information collecting apparatus comprising a display, an automated life insurance application

which can be viewed by the applicant using the display, and an input device for use by the applicant in

entering self-reported information (column 5, lines 7 – 27);

 (d) means for inputting information from the apparatus for collecting self-reported information

from said one or more stations, in a single session at the single kiosk (column 1, lines 8 – 30), to the

processor located in the single kiosk for use by the life insurance underwriting program (column 5, lines

37 – 55 and Figure 1);

(e) means for displaying to the applicant at least one of a preliminary quote based only upon the

self-reported information and a final quote based only upon the self- reported information and the

objective information (column 5, line 66 through column 6, line 33) where a quote is generated based on

information supplied by an applicant; and (f) an input device for use by the applicant in acknowledging at

least one of the preliminary and final quotes (column 5, lines 7 – 27; and, column 5, line 66 through

column 6, lines 33). Lockwood does not explicitly teach collecting data in a single session however, this

feature is disclosed by Kanazawa.

Lockwood fails to teach a system comprising: (b) one or more medical measuring stations for

collecting objective information from the applicant by measuring, in a single session at a single kiosk,

physiological aspects of the applicant; (c) a processor, <u>located in the single kiosk, that executes</u> a life insurance underwriting program, <u>which evaluates and rates the insurable risk of the applicant by performing an individualized risk analysis calculation</u>; and (d) means for inputting information from the apparatus for collecting the objective information from said one or more medical measuring stations in the single session <u>at the single kiosk</u>, to the processor <u>located in the single kiosk</u> for use by the life insurance underwriting program.

> **Kanazawa teaches** a system comprising

> (b) one or more medical measuring stations for collecting objective information from the applicant by measuring, in a single session <u>at a single kiosk</u>, physiological aspects of the applicant (paragraphs 17, 132, 134, 135, and 136) and

> (d) means for inputting information from the apparatus for collecting the objective information from said one or more medical measuring stations in the single session <u>at the single kiosk</u>, to the processor <u>located in the single kiosk</u> for use by the life insurance underwriting program (paragraphs 17, 132, 134, 135, and 136 Kanazawa does not explicitly disclose a single kiosk, however this feature is disclosed by Lockwood (column 1, lines 8 – 30) and further supported by Ryan (paragraph 481) discussed below). Although Kanazawa is directed to adjusting a current policy, the process of collecting and evaluating the information is the same regardless of whether it is for a new policy or an adjustment/renewal of an existing policy.

> Kanazawa fails to teach (c) a processor, <u>located in the single kiosk, that executes</u> a life insurance underwriting program, <u>which evaluates and rates the insurable risk of the applicant by performing an individualized risk analysis calculation.</u>

> Ryan teaches (c) a processor, <u>located in the single kiosk, that executes</u> a life insurance underwriting program, <u>which evaluates and rates the insurable risk of the applicant by performing an individualized risk analysis calculation</u> (paragraphs 56, 481, 487, and 494 – 495).

> The motivation to combine the teachings of Lockwood and Kanazawa is discussed in the rejection of claim 1, and incorporated herein.

In regard to claim 32 (Original), Lockwood, Kanazawa, and Ryan teach the system of Claim 31.

Lockwood and Kanazawa fail to teach a system wherein said life insurance underwriting program provides an insurance application for review and acceptance by the applicant.

Ryan further teaches a system wherein said life insurance underwriting program provides an insurance application for review and acceptance by the applicant (Figures 22 -68) where after review of data (i.e. quote) the Applicant can accept or reject the quote as illustrated in Figure 68.

The motivation to combine the teachings of Lockwood, Kanazawa, and Ryan is discussed in the rejection of claim 1, and incorporated herein.

In regard to claim 36 (Previously Presented), Lockwood, Kanazawa, and Ryan teach the system of Claim 34. Lockwood further teaches a system wherein said further collecting objective information includes consumer credit information (column 8, lines 3 – 11).

In regard to claim 37 (Previously Presented), Lockwood, Kanazawa, and Ryan teach the system of Claim 34. Lockwood further teaches a system wherein said further collecting objective information includes motor vehicle information (column 8, lines 15 – 19 and column 8, lines 27 – 28).

In regard to claim 48 (Previously Presented), Lockwood, Kanazawa, and Ryan teach the automated method of claim 1.   Lockwood teaches a method wherein the single session is performed in a single physical location (column 5, lines 7 – 27) where the Applicant is entering data self-reported data at a single location in a single session.

In regard to claim 49 (Previously Presented), Lockwood, Kanazawa, and Ryan teach the automated method of claim 1.

Lockwood fails to teach a method wherein the single session is complete before the providing step provides the objective information collected in the single session to the automated underwriting system.

Kanazawa teaches a method wherein the single session is complete before the providing step provides the objective information collected in the single session to the automated underwriting system (paragraphs 17, 132, 134, 135, and 136).

The motivation to combine the teachings of Lockwood and Kanazawa is discussed in the rejection of claim 1, and incorporated herein.

System claims 17, 19 – 21, 24, 26, and 34 - 35 repeat the subject matter of method claims 1, 4 and 8 – 10. As the underlying processes of method claims 1, 4 and 8 – 10 have been shown to be fully disclosed by the teachings of Lockwood, Kanazawa, and Ryan in the above rejections of claims 1, 4 and 8 – 10; as such, these limitations (system claims 17, 19 – 21, 24, 26, and 34 - 35) are rejected for the same reasons given above for method claims 1, 4 and 8 – 10 and incorporated herein.

4.   Claims 2 – 3, 13 – 16, 22, 28 – 30, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lockwood (U.S. Patent No. 4,567,359) and Kanazawa et al., herein after Kanazawa (U.S. Publication Number 2003/0158758 A1), in view of Ryan et al., herein after Ryan (U.S. Publication No. 2003/0187768 A1), and further in view of Ando et al., herein after Ando (U.S. Publication Number 2002/0013717 A1).

In regard to claim 2 (Original), Lockwood, Kanazawa, and Ryan teach the automated method of Claim 1. Lockwood discloses providing the self-reported information to the automated underwriting system (column 1, lines 8 – 10 and column 5, lines 9 – 13).

Lockwood, Kanazawa, and Ryan fail to teach a method further comprising the step of obtaining, via electronic means, consent from the applicant to provide the objective information to the automated underwriting system.

Ando teaches a method further comprising the step of obtaining, via electronic means, consent from the applicant to provide the objective information to the automated underwriting system (paragraphs [0053] and [0054]) where physiological data is measured. The applicant provides consent by logging in with a secure identification since this person, by logging in, is consenting to send data.

It would have been obvious to one of ordinary skill in the art to include in the automatic insurance quotation system of Lockwood, the ability to determine the risk at the time of the contract as taught by Kanazawa, and the administration of a life insurance policy of Ryan with the monitoring system of Ando since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

In regard to claim 3 (Previously Presented), Lockwood, Kanazawa, and Ryan teach the automated method of Claim 1.

Lockwood, Kanazawa, and Ryan fail to teach a method comprising the step of producing a preliminary rate quote for the applicant based only upon the self-reported information.

Ando teaches a method further comprising the step of producing a preliminary rate quote for the applicant based only upon the self-reported information (Abstract and paragraph [0015]) where a preliminary rate quote is an implied feature of determining a premium.

The motivation to combine the teachings of Lockwood, Kanazawa, Ryan, and Ando is discussed in the rejection of claim 2, and incorporated herein.

In regard to claim 13 (Original), Lockwood, Kanazawa, and Ryan teach the automated method of Claim 1.

Lockwood, Kanazawa, and Ryan fail to teach an automated method further comprising the step of producing an immediate final rate quote for the applicant based upon the self-reported and objective information.

Ando teaches an automated method further comprising the step of producing an immediate final rate quote for the applicant based upon the self-reported and objective information (Figures 18 and 67).

The motivation to combine the teachings of Lockwood, Kanazawa, Ryan, and Ando is discussed in the rejection of claim 2, and incorporated herein.

In regard to claim 14 (Original), Lockwood, Kanazawa, Ryan, and Ando teach the automated method of Claim 13.

Lockwood, Kanazawa, and Ando fail to teach an automated method further comprising the step of providing an insurance application relating to the insurance product.

Ryan further teaches an automated method further comprising the step of providing an insurance application relating to the insurance product (Figures 22 - 68).

The motivation to combine the teachings of Lockwood, Kanazawa, Ryan, and Ando is discussed in the rejection of claim 2, and incorporated herein.

In regard to claim 15 (Original), Lockwood, Kanazawa, Ryan, and Ando teach the automated method of Claim 14. Lockwood further teaches an automated method comprising the step of collecting information relating to payment for the insurance product if the final rate quote is accepted by the applicant (column 5, lines 21 – 27 and column 7, lines 25 - 29).

In regard to claim 16 (Original), Lockwood, Kanazawa, Ryan, and Ando teach the automated method of Claim 14. Lockwood further teaches an automated method comprising the steps of obtaining an electronic signature from the applicant and producing a printed copy of the application and providing the copy to the applicant (column 7, lines 14 – 16 and column 7, lines 49 – 52). The Applicant's acceptance of the policy online is equated to an electronic signature.

In regard to claim 47 (Previously Presented), Lockwood, Kanazawa, and Ryan teach the automated method of claim 1.

Lockwood, Kanazawa, and Ryan fail to teach a method wherein the medical measuring device is an Applicant operated medical measuring device.

Ando teaches a method wherein the medical measuring device is an Applicant operated medical measuring device (paragraphs [0053] and [0054]) where Ando discloses a unit to measure physiological data.

The motivation to combine the teachings of Lockwood, Kanazawa, Ryan, and Ando is discussed in the rejection of claim 2, and incorporated herein.

System claims 22 and 28 – 30 repeat the subject matter of claims 3 and 13 – 16. As the underlying processes of claims 3 and 13 – 16 have been shown to be fully disclosed by the teachings of Lockwood, Kanazawa, Ryan, and Ando in the above rejections of claims 3 and 13 – 16; as such, these limitations (22 and 28 – 30) are rejected for the same reasons given above for claims 3 and 13 – 16 and incorporated herein.

5.   Claims 11, 23, 25, 33, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lockwood (U.S. Patent No. 4,567,359) and Kanazawa et al., herein after Kanazawa (U.S. Publication Number 2003/0158758 A1), in view of Ryan et al., herein after Ryan (U.S. Publication No. 2003/0187768 A1), and further in view of Maus et al., herein after Maus (U.S. Patent Number 7,092,891).

In regard to claim 11 (Previously Presented), Lockwood, Kanazawa, and Ryan teach the automated method of Claim 4. Lockwood further teaches an automated method wherein the further objective information includes at least one of information from the Medical Information Bureau, information relating to prescribed drugs, consumer credit information, and motor vehicle information (column 8, lines 3 – 11; column 8, lines 15 - 19; column 8, lines 27 - 28) where Lockwood discloses collecting motor vehicle information (i.e. objective information).

Lockwood, Kanazawa, and Ryan fail to teach an automated method wherein the objective information includes at least one of height and weight, blood pressure, pulse rate, blood cholesterol,

blood glucose, evidence of drug usage, HIV exposure, tumor markers, evidence of tobacco usage, lung capacity, and evidence of kidney disease.

Maus further teaches an automated method wherein the objective information includes at least one of height and weight, blood pressure, pulse rate, blood cholesterol, blood glucose, evidence of drug usage, HIV exposure, tumor markers, evidence of tobacco usage, lung capacity, and evidence of kidney disease (column 3, lines 16 – 47).

It would have been obvious to one of ordinary skill in the art to include in the automatic insurance quotation system of Lockwood, the ability to determine the risk at the time of the contract as taught by Kanazawa, and the administration of a life insurance policy as taught by Ryan with the health monitoring and diagnostic device taught by Maus since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

In regard to claim 25 (Previously Presented), Lockwood, Kanazawa, and Ryan teach the system of Claim 17.

Lockwood and Kanazawa fail to teach a system wherein further objective information includes information relating to prescribed drugs.

Ryan further teaches a system with the means of collecting objective information (paragraph [0004] and [0773]; Figures 35, 36, 41, 44, 55, 63, and 70).

Ryan fails to teach a system wherein further objective information includes information relating to prescribed drugs.

Maus teaches a system wherein further objective information includes information relating to prescribed drugs (Figure 2; column 3, line 63 through column 4, line 12) where it would be obvious to initiate or allow communication between the physicians server and the system (computer) described by Ryan to provide objective information.

The motivation to combine the teachings of Lockwood, Kanazawa, Ryan, and Maus is discussed in the rejection of claim 11, and incorporated herein.

System claims 23, 33, and 35 repeat the subject matter of method claims 11 and 25. As the underlying processes of method claims 11 and 25 have been shown to be fully disclosed by the teachings of Lockwood, Kanazawa, Ryan, and Maus in the above rejections of claims 11 and 25; as such, these limitations (claims 23, 33, and 35) are rejected for the same reasons given above for method claims 11 and 25 and incorporated herein.

6.   Claims 38 – 42 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lockwood (U.S. Patent Number 4,567,359) and Kanazawa et al., herein after Kanazawa (U.S. Publication Number 2003/0158758 A1) in view of Ryan et al., herein after Ryan (U.S. Publication No. 2003/0187768 A1), and further in view of Zander et al., herein after Zander (U.S. Publication Number 2003/0208385).

In regard to claim 38 (Currently Amended), Lockwood teaches a computer-based system for capturing data at a point of sale relating to mortality or morbidity risk assessment and a related insurance product, said system comprising:

a processor (column 4, lines 1 – 6; column 5, lines 37 – 55; and Figure 2);

a memory (column 5, lines 37 – 55; and, Figure 2); an

input device connected to the processor for use in entering data relating to an applicant, including the applicant's age, for storage in the memory (column 5, lines 7 - 55);

a plurality of medical measuring stations (abstract; where a medical measuring station is interpreted as a place where measurements can be collected, thus the medical measuring station can be, but is not limited to a medical office, a kiosk, a residence, or a hospital) for collecting objective medical and/or physical data relating to the applicant in a single session <u>at a single kiosk</u> (column 4, lines 17 - 20); and

data communications link connecting the stations to the processor (column 4, lines 17 - 23);

wherein said processor is programmed to receive the objective medical and/or physical data via the data communications links, to store the received objective medical and/or physical data in the memory (Figure 2).

Lockwood fails to teach a system for capturing data relating to mortality or morbidity risk assessment and a system comprising collecting medical or physical data related to the Applicant by measuring physiological aspects of the applicant and to evaluate and rate the insurable risk of the applicant by performing an individualized risk analysis calculation using the stored objective medical and/or physical data

Kanazawa teaches a system comprising collecting medical or physical data related to the Applicant by measuring physiological aspects of the applicant (paragraphs [0043] and [0053]).

Lockwood and Kanazawa fail to teach a system for capturing data relating to mortality or morbidity risk assessment and to evaluate and rate the insurable risk of the applicant by performing an individualized risk analysis calculation using the stored objective medical and/or physical data.

Ryan teaches a system to evaluate and rate the insurable risk of the applicant by performing an individualized risk analysis calculation using the stored objective medical and/or physical data (paragraphs 56, 481, 487, and 494 – 495).

Ryan fails to teach a system for capturing data relating to mortality or morbidity risk assessment.

Zander teaches a system for capturing data relating to mortality or morbidity risk assessment (paragraphs 17, 132, 134, 135, and 136).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a system for capturing data relating to mortality or morbidity risk assessment as taught by Zander, within the system of Lockwood and Kanazawa, with the motivation of providing an electronic system to receive information regarding an applicant and applying applicant ratings, including mortality (paragraphs [0008] and [0009]).

In regard to claim 39 (Original), Lockwood, Kanazawa, Ryan, and Zander teach the system of Claim 38.

Lockwood, Kanazawa, and Ryan fail to teach a system further comprising a risk assessment program for assessing a mortality or morbidity insurance risk using the stored data in the memory.

Zander further teaches a system further comprising a risk assessment program for assessing a mortality or morbidity insurance risk using the stored data in the memory (paragraph [0072]).

The motivation to combine the teachings of Lockwood, Kanazawa, Ryan, and Zander is discussed in the rejection of claim 38, and incorporated herein.

In regard to claim 40 (Original), Lockwood, Kanazawa, Ryan, and Zander teach the system of Claim 38. Lockwood further teaches a system comprising a data communication link for use by the processor in transmitting the data stored in the memory (column 4, lines 1 - 16).

Lockwood, Kanazawa, and Ryan fail to teach a mortality or morbidity risk assessment system, and for receiving a risk assessment from the remote mortality or morbidity risk assessment system.

Zander teaches a mortality or morbidity risk assessment system, and for receiving a risk assessment from the remote mortality or morbidity risk assessment system (paragraph [0032]).

The motivation to combine the teachings of Lockwood, Kanazawa, Ryan, and Zander is discussed in the rejection of claim 38, and incorporated herein.

In regard to claim 41 (Original), Lockwood, Kanazawa, Ryan, and Zander teach the system of Claim 38. Lockwood teaches a system further comprising means for receiving an electronic signature of the applicant (column 7, lines 14 – 16 and column 7, lines 49 - 52) where the applicant's acceptance of the policy, online, is equated to an electronic signature.

Lockwood, Kanazawa, and Zander fail to teach a system comprising program means for generating a life insurance policy using the information stored in the memory, and means for confirming an identity of the applicant.

Ryan teaches a system comprising program means for generating a life insurance policy using the information stored in the memory (paragraph [0488]), and means for confirming an identity of the

applicant (Figure 21) where a log in screen and password demonstrate confirmation of the identity of the applicant.

The motivation to combine the teachings of Lockwood, Kanazawa, Ryan, and Zander is discussed in the rejection of claim 38, and incorporated herein.

In regard to claim 42 (Original), Lockwood, Kanazawa, Ryan, and Zander teach the system of Claim 38. Lockwood further teaches a system wherein said data communications link comprises a wired or wireless data communications link (column 4, lines 1 - 16).

In regard to claim 46 (Original), Lockwood, Kanazawa, Ryan, and Zander, teach the system according to Claim 39. Lockwood further teaches an expert (column 4, lines 52 – 63; column 5, lines 56 – 65; and column 6, lines 24 – 32).

Lockwood, Kanazawa, and Zander fail to teach an insurance risk assessment program.

Ryan teaches an insurance risk assessment program (paragraph [0495]).

The motivation to combine the teachings of Lockwood, Kanazawa, Zander, and Ryan is discussed in the rejection of claim 41, and incorporated herein.

7.   Claims 43 - 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lockwood (U.S. Patent Number 4,567,359) and Kanazawa et al., herein after Kanazawa (U.S. Publication Number 2003/0158758 A1) in view of et al., herein after Ryan (U.S. Publication No. 2003/0187768 A1) and Zander et al., herein after Zander (U.S. Publication Number 2003/0208385), further in view of Maus et al., herein after Maus (U.S. Patent Number 7,092,891).

In regard to claim 43 (Previously Presented), Lockwood, Kanazawa, Ryan, and Zander teach the system of Claim 38. Lockwood teaches a medical measuring station (Abstract).

Lockwood, Kanazawa, Ryan, and Zander fail to teach a system wherein at least one of the plurality of medical measuring stations includes apparatus for analyzing at least one of saliva, blood, urine and hair samples.

Maus teaches a system wherein at least one of the plurality of medical measuring stations includes apparatus for analyzing at least one of saliva, blood, urine and hair samples (column 7, lines 30 – 41).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a system wherein at least one of the plurality of stations includes apparatus for analyzing at least one of saliva, blood, urine and hair samples as taught by Maus, within the system of Lockwood, Kanazawa, Ryan, and Zander, with the motivation of providing objective information using an apparatus to collect information in an efficient manner (column 2, lines 60 – 66).

In regard to claim 44 (Previously Presented), Lockwood, Kanazawa, Ryan, and Zander teach the system according to Claim 38. Lockwood teaches a medical measuring station (Abstract).

Lockwood, Kanazawa, Ryan, and Zander fail to teach a system wherein at least one of the plurality of medical measuring stations includes at least one of an apparatus for measuring blood cholesterol, blood glucose, blood pressure, heart rate, lung capacity, weight and height.

Maus teaches a system wherein at least one of the plurality of medical measuring stations includes at least one of an apparatus for measuring blood cholesterol, blood glucose, blood pressure, heart rate, lung capacity, weight and height (column 3, lines 30 – 47 and column 13, line 58 through column 14, line 5) where the data can be transmitted wirelessly or hard wired.

The motivation to combine the teachings of Lockwood, Kanazawa, Ryan, Zander, and Maus is discussed in the rejection of claim 43, and incorporated herein.

In regard to claim 45 (Previously Presented), Lockwood, Kanazawa, Ryan, and Zander teach the system according to Claim 38. Lockwood teaches a medical measuring station (Abstract).

Lockwood, Kanazawa, Ryan, and Zander fail to teach a system wherein at least one of the plurality of medical measuring stations includes at least one of apparatus for detecting drug usage, tobacco usage, tumor markers, exposure to HIV and kidney disease.

Maus teaches a system wherein at least one of the plurality of medical measuring stations includes at least one of apparatus for detecting drug usage, tobacco usage, tumor markers, exposure to HIV and kidney disease (column 3, lines 16 – 47).

The motivation to combine the teachings of Lockwood, Kanazawa, Ryan, Zander, and Maus are discussed in the rejection of claim 43, and incorporated herein.

Response to Arguments

8.   Applicant's arguments filed June 24, 2011 have been fully considered but they are not persuasive. Applicant's arguments will be addressed herein below in the order in which they appear in the response filed June 24, 2011.

In response to the Applicant's arguments, it is respectfully submitted that the Examiner has applied new prior art; as such, Applicant's remarks with the regard to the application of Lockwood and Kanazawa are moot with the application of the new prior art.

The Applicant argues the combination of Lockwood and Kanazawa does not describe or suggest collecting objective information relating to the insurable risk from the applicant by measuring in a single session at a single kiosk. The Examiner respectfully disagrees. The Examiner submits the Applicant's argument was addressed in the above office action.

Conclusion

9.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date

of this final action and the advisory action is not mailed until after the end of the THREE-MONTH

shortened statutory period, then the shortened statutory period will expire on the date the advisory action

is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX

MONTHS from the date of this final action.

10.   Any inquiry concerning this communication or earlier communications from the examiner should

be directed to KRISTINE RAPILLO whose telephone number is (571)270-3325. The examiner can

normally be reached on Monday to Thursday 6:30 am to 3:30 pm Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Robert Morgan can be reached on 571-272-6773. The fax phone number for the organization where this

application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be obtained from

either Private PAIR or Public PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC)

at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative

or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-

1000.

/K. R./
Examiner, Art Unit 3626

/Dilek B Cobanoglu/
Primary Examiner, Art Unit 3626